IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

OP.No. 12367 of 1998(V)

PETITIONERS:
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1. THOMAS K.K, S/O.K.C.KORAH, KOTTATHU HOUSE THATTARATHETTU P.O., THODUPUZHA.

2. P.C.VARGHESE, S/O.CHACKO, PUTHUPARAMBIL HOUSE, ANIYARTHOOV P.O., KATTAPPANA.

3. JOSE THOMAS, S/O.LATE K.J.THOMAS, MIDLAND MOTORS, KODIMATHA, KOTTAYAM.

4. MARY KUTTY JOSE, W/O.JOSE THOMAS, KONDODICKAL HOUSE, VADAVATHUR P.O., KOTTAYAM.

5. THANKAMMA PHILIP, W/O.PHILIP M.M., MANALAL, PUTHUPPALLY, KOTTAYAM.

6. PHILIP MATHEW, S/O.M.M.PHILIP, MANALAL, PUTHUPPALLY, KOTTAYAM.

7. E.C.VARGHESE, S/O.CHACKO, ELAUMMOOTTIL HOUSE, NALUNAKKAL P.O., KOTTAYAM.

8. P.G.MATHEW, S/O.P.V.GEORGE, MARANGATTU PUTHUPARAMBIL, PERUNNAL P.O., CHANGANACHERRY.

9. JOSEPH MATHAI, S/O.MATHAI, RAINIKARA, 1E NAGAR P.O., CHANGANACHERRY.

10. SHIBU JOHN, S/O.K.C.JOHN, KALAPPURAKUNNEL, CHEERANCHIRA P.O., CHANGANACHERRY.

11. BEENA SAJI, D/O.AZIZ, PUTHUPARAMBIL, 1E NAGAR P.O., CHANGANACHERRY.

12. JOHNY JOSE, S/O.JOSE T.J., MARY VILLA, KURISUMMOODU P.O., CHANGANACHERRY.

13. TOMY THOMAS, S/O.THOMAS, KALLOOPARAMBIL, UMBIDI P.O., THOTTAKKAD.

14. MATHEW THOMAS, S/O.THOMAS, KALLOOPARAMBIL UMBIDI P.O., THOTTAKKAD.

15. GEORGE MATHEW, S/O.C.V.MATHEW,
CHITTAPPANATTU, MUNDAKAYAM.

16. PHILIP VARGHESE, S/O.P.J.VARGHESE, KOOVAKKAD HOUSE,
KARUKACHAL P.O., KOTTAYAM.

17. TOY GEORGE, S/O.GEORGE, KONDOORICKAL
THOTTAKAD P.O., KOTTAYAM.

18 . N.SUNIL KUMAR, S/O.P.V.NARAYANAN, SEENA
SADANAM, VANDIPERIYAR.

19. K,.VASAMMA, W/O.P.V.NARAYANAN,
SEENA SADANAM, VANDIPERIYAR.

20. P.C.CHACKO, S/O.JOSEPH CHACKO,
MULLENKUZHI, KOOTHRAPPALLY.

21. JOB CHERIAN, S/O.CHERIAN, PALAKUNNEL,
VATTAMMACHAL, MAMMOOD P.O., CHANGANACHERRY.

22. SHAJAN JOSEPH, S/O.K.T.JOSEPH, KONDODICAL
HOUSE, UMBIDI P.O., THOTTACKAD.

23. K.T.MATHEW, S/O.THOMAS, KONDODICAL HOUSE,
UMBIDI P.O., THOTTACKAD.

24. K.T.THOMAS, S/O.THOMAS, KONDODICAL HOUSE,
UMBIDI P.O., THOTTACKAD.

25. BABU ANTONY, S/O.P.D.ANTONY, POVVATH HOUSE,
THUMPALAKADU, PONKUNNAM.

26. K.T.JOSE, S/O.THOMAS, KONDODICKAL,
CHAMPAKARA P.O., KARUKACHAL, KOTTAYAM DISTRICT.

27. LAWRANCE M.V., S/O.VARGHESE, MUNDAPPANAL
HOUSE, KANCHIYAR P.O., KATTAPPANA.

28. A.M.S.AKBER, S/O.LATE HAJEE A.S.MEERANNAN,
MUBARAK MANZIL, VANDIPERIYAR.

29. A.M.ASHRAF, S/O.LATE HAJEE A.S.MEERANNAN,
MUBARAK MANZIL, VANDIPERIYAR.

30. GEORGE THOMAS, S/O.K.J.THOMAS, ST.THOMAS
TRAVELS, KODIMATHA, KOTTAYAM.

31. RANI GEORGE, W/O.GEORGE THOMAS, KONDODICKAL,
THOTTAKKAD P.O., KOTTAYAM.

32. M.MAHESH, S/O.P.A.MADHAVAN, PUTHENPURACKAL,
KADAYANICKADU P.O., KANGAZHA.

33. M.MANOJ, S/O.P.A.MADHAVAN, PUTHENPURACKAL,
KADAYANICKADU P.O., KANGAZHA.

34. JOSEPH JACOB, S/O.JOSEPH, KUNNIL,
KUMARAKOM P.O., KOTTAYAM DISTRICT.

35. C.K.ANDREWS, S/O.C.K.KURIAN, CHENNATTUMATTOM,
VELLOOR P.O., PAMPADY.

36. C.K.KURIAN, S/O.C.K.KURIAN,
MANAGING PARTNER, CMS TRAVELS, KATTAPPANA.

37. RAJAN BABU, S/O.LATE K.E.MATHEW,
KUNNIL MOTOR SERVICE, MARAMON P.O.,
PATHANAMTHITTA DISTRICT.

38. RAJU THOMAS, S/O.THOMAS CHERIAN,
KONDODICKAL, THOTTAKKAD P.O., KOTTAYAM.

39. MINI GEORGE, W/O.GEROGE VARKEY,
KALLOOR HOUSE, KALAKETTY P.O., KANJIRAPPALLY.

40. LIZYKUTTY THOMAS, W/O.K.D.THOMAS,
KALLOOR HOUSE, KALAKETTY P.O., KANJIRAPPALLY.

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS:-
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1. THE REGIONAL TRANSPORT AUTHORITY, IDUKKI.

2. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
IDUKKI.

3. THE KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR,
TRANSPORT BHAVAN, THIRUVANANTHAPURAM.

ADDITIONAL 4TH RESPONDENT IMPLEADED:

ADDL.R4. THE KERALA STATE ROAD TRANSPORT EMPLOYEES' ASSOCIATION,
AZHIKKODAN MEMORIAL BUILDINGS, MANJALIKULAM ROAD,
THIRUVANANTHAPURAM,
REPRESENTED BY ITS GENERAL SECRETARY, SRI.K.K.DIVAKARAN.

(ADDITIONAL 4TH RESPONDENT IS IMPLEADED AS PER ORDER ON
C.M.P.NO.22315 OF 1998 DATED 16.07.1998)

R3 BY STANDING COUNSEL SRI.JOHNSON P.JOHN.
R4 BY ADV.SRI.N.UNNIKRISHNAN.
SRI.V.BHASKARA MENON, SC, KSRTC

THIS ORIGINAL PETITION HAVING COME UP FOR ADMISSION ON 03/08/2007, ALONG WITH O.P.NO.13205 OF 1998-V, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & HARUN-UL-RASHID, J.

O.P. Nos. 12367 of 1998-V & 13205 of 1998-V

Dated this the 3rd day of August, 2007.

J U D G M E N T

H.L.Dattu, C.J.

Since the issues involved in these two original petitions are the identical, they are clubbed and disposed of by this common order.

(2) The petitioners in these petitions seek the following reliefs:

> "i). Issue a writ of mandamus or any other appropriate writ, order or direction, commanding the Ist respondent not to cancel stage carriage permit granted to the petitioners on routes touching, overlapping or passing through sectors of the Kottayam-Thekkady scheme and Ernakulam-Thekkady scheme.
>
> ii). Declare that the judgment of this Hon'ble court reported in 1997 (2) KLT 230 applies only to cases where the scheme is total exclusion in nature.
>
> Iii). Issue an interim direction restraining the Ist respondent from taking any steps to cancel the stage carriage permit granted to the petitioners pending disposal of this original petition."

(3) Learned counsel, Mr.P.Ravindran, appearing for the petitioners would submit that in view of the notification issued by the State Government gazetted on 9th May, 2007, no further orders need be passed in these cases.

(4) Taking note of the statement made by the learned counsel for the petitioners, these original petitions are disposed of, as become unnecessary.

Consequently, all pending Civil Miscellaneous Petitions are dismissed.

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(HARUN-UL-RASHID)
JUDGE

MS